IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NOI.97 OF 2006

IN

CRIMINAL WRIT PETITION NO.2715 OF 2005

Smt.Prabha S. Shrivastav : Applicant.

versus

Shri.A.N.Roy & ors. : Respondents.

Mr.U.N.Tripathi for the applilcant.

Mr.D.s.Mhaispurkar, APP, for the State.

CORAM : D.G.DESHPANDE

V.K.TAHILRAMANI JJ.

DATED : MARCH 28, 2006.

P.C.

1. Heard the learned counsel for the petitioner and the learned APP for the State. This application is filed by the mother of the detenu who is detained under M.P.D.A. Act for temporary release on the ground that an operation

is required to be performed upon him for implant removal of screws. This certificate is issued by Dr.Kapil M. Lad of Kandivali (W) Mumbai. The learned APP produces certificate of Civil Surgeon. As per that certificate no surgery is necessary and only physiotherapy is sufficient. However, this is a question to be decided by the operation and we do not want to sit over the decision of Dr.Lad and whatever surgery is not necessary. Therefore, in the circumstances, the detenu be released on his P.R.bond of Rs.15,000/- [Rupees Fifteen Thousand only). He is to be taken under police escrot to Dr.Kapil Lad's Hospital on 3rd April 2006. He will be temporarily release for 15 days and should be brought back after two weeks. During this period the doctor may perform surgery if it is required. Needlessw to say that the police security will be there. If the doctor advices or fixes the date of operation in future, the applicant will be at liberty to get appropriate amendements to this order. The Criminal Application is disposed of.

[D.G.DESHPANDE,J]

[V.K.TAHILRAMANI,J]